

ASSEMBLY BILL

No. 509

Introduced by Assembly Member Anderson

February 24, 2009

An act to amend Section 2800.2 of, and to add Section 2800.25 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 509, as introduced, Anderson. Vehicles: fleeing a peace officer.

Existing law makes it a misdemeanor for a person operating a motor vehicle to willfully flee or otherwise attempt to elude a pursuing peace officer's motor vehicle under certain conditions. If the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property, the offense is punishable as a misdemeanor or a felony.

This bill would revise these provisions of existing law to codify the provision relating to willful or wanton disregard for the safety of persons separately from the provision relating to willful or wanton disregard for the safety of property. The bill would delete the definition of "willful or wanton disregard for the safety of persons."

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2800.2 of the Vehicle Code is amended
- 2 to read:
- 3 2800.2. ~~(a)~~—If a person flees or attempts to elude a pursuing
- 4 peace officer in violation of Section 2800.1 and the pursued vehicle
- 5 is driven in a willful or wanton disregard for the safety of persons

1 ~~or property~~, the person driving the vehicle, upon conviction, shall
2 be punished by imprisonment in the state prison, or by confinement
3 in the county jail for not less than six months nor more than one
4 year. The court may also impose a fine of not less than one
5 thousand dollars (\$1,000) nor more than ten thousand dollars
6 (\$10,000), or may impose both that imprisonment or confinement
7 and fine.

8 ~~(b) For purposes of this section, a willful or wanton disregard~~
9 ~~for the safety of persons or property includes, but is not limited~~
10 ~~to, driving while fleeing or attempting to elude a pursuing peace~~
11 ~~officer during which time either three or more violations that are~~
12 ~~assigned a traffic violation point count under Section 12810 occur,~~
13 ~~or damage to property occurs.~~

14 SEC. 2. Section 2800.25 is added to the Vehicle Code, to read:

15 2800.25. (a) If a person flees or attempts to elude a pursuing
16 peace officer in violation of Section 2800.1 and the pursued vehicle
17 is driven in a willful or wanton disregard for the safety of property,
18 the person driving the vehicle, upon conviction, shall be punished
19 by imprisonment in the state prison, or by confinement in the
20 county jail for not more than one year, or by a fine of not more
21 than one thousand dollars (\$1,000), or by both that imprisonment
22 and fine.

23 (b) For the purposes of this section, a willful or wanton disregard
24 for the safety of property includes, but is not limited to, driving
25 while fleeing or attempting to elude a pursuing peace officer during
26 which time either three or more violations that are assigned a traffic
27 violation point count under Section 12810 occur, or damage to
28 property occurs.